

53-8-101. Short title.

This chapter is known as the "Utah Highway Patrol Act."

Enacted by Chapter 234, 1993 General Session

53-8-102. Definitions.

As used in this chapter:

(1) "Division" means the Utah Highway Patrol Division created in Section 53-8-103.

(2) "Highway Patrol" means the Highway Patrol troopers employed under Section 53-8-104.

(3) "Superintendent" means the director of the division, appointed under Section 53-8-103.

Enacted by Chapter 234, 1993 General Session

53-8-103. Utah Highway Patrol Division -- Creation -- Appointment of superintendent -- Powers -- Qualifications -- Term -- Compensation.

(1) There is created the Utah Highway Patrol Division.

(2) The director of the division shall be the superintendent appointed by the commissioner with the approval of the governor.

(3) The superintendent is the executive and administrative head of the division and shall be experienced in administration and possess additional qualifications as determined by the commissioner.

(4) The superintendent acts under the supervision and control of the commissioner and may be removed from his position at the will of the commissioner.

(5) The superintendent shall receive compensation as provided by Title 67, Chapter 19, Utah State Personnel Management Act.

Renumbered and Amended by Chapter 234, 1993 General Session

53-8-104. Superintendent's duties.

The superintendent shall:

(1) divide the state highways into sections for the purpose of patrolling and policing;

(2) employ peace officers known as highway patrol troopers to patrol or police the highways within this state and to enforce the state statutes as required;

(3) establish ranks, grades, and positions in the Highway Patrol and designate the authority and responsibility in each rank, grade, and position;

(4) establish for the Highway Patrol standards and qualifications and fix prerequisites of training, education, and experience for each rank, grade, and position;

(5) appoint personnel to each rank, grade, and position necessary for the efficient operation and administration of the Highway Patrol;

(6) devise and administer examinations designed to test applicants for positions with the Highway Patrol;

(7) make rules governing the Highway Patrol as appear to the superintendent

advisable;

(8) discharge, demote, or temporarily suspend any employee in the Highway Patrol for cause;

(9) prescribe the uniforms to be worn and the equipment to be used by employees of the Highway Patrol;

(10) charge against each employee of the Highway Patrol the value of any property of the state lost or destroyed through the carelessness of the employee;

(11) establish, with the approval of the Division of Finance, the terms and conditions under which expense allowance should be paid to any employee of the Highway Patrol while away from his station;

(12) station the Highway Patrol in localities as he finds advisable for the enforcement of the laws of this state;

(13) conduct in conjunction with the State Board of Education in and through all state schools an educational campaign in highway safety and work in conjunction with civic organizations, churches, local units of government, and other organizations that may function in accomplishing the purposes of reducing highway accidents;

(14) provide the initial mandatory uniform items for each new trooper hired after July 1, 1998;

(15) determine by rule a basic uniform allowance system which includes the manner in which troopers may receive maintenance services and vouchers for basic uniforms and administer any funds appropriated by the Legislature to the division for that purpose; and

(16) on or before January 1, 2003, adopt a written policy that prohibits the stopping, detention, or search of any person when the action is solely motivated by considerations of race, color, ethnicity, age, or gender.

Amended by Chapter 219, 2002 General Session

53-8-105. Duties of Highway Patrol.

In addition to the duties in this chapter, the Highway Patrol shall:

(1) enforce the state laws and rules governing use of the state highways;

(2) regulate traffic on all highways and roads of the state;

(3) assist the governor in an emergency or at other times at his discretion;

(4) in cooperation with federal, state, and local agencies, enforce and assist in the enforcement of all state and federal laws related to the operation of a motor carrier on a highway, including all state and federal rules and regulations;

(5) inspect certain vehicles to determine road worthiness and safe condition as provided in Section 41-6a-1630;

(6) upon request, assist with any condition of unrest existing or developing on a campus or related facility of an institution of higher education;

(7) assist the Alcoholic Beverage Control Commission in an emergency to enforce the state liquor laws;

(8) provide security and protection for both houses of the Legislature while in session as the speaker of the House of Representatives and the president of the Senate finds necessary; and

(9) carry out the following for the Supreme Court and the Court of Appeals:

- (a) provide security and protection to those courts when in session in the capital city of the state;
- (b) execute orders issued by the courts; and
- (c) carry out duties as directed by the courts.

Amended by Chapter 2, 2005 General Session

53-8-106. Vested with powers of peace officers.

(1) The commissioner, superintendent, and each member of the Highway Patrol have the powers of peace officers in each county of the state with the exception of the power to serve civil process.

(2) They may serve criminal process, arrest and prosecute violators of any law of this state, and have the same right as other peace officers to require aid in executing their duties.

(3) The powers and duties conferred upon the superintendent and members of the Highway Patrol are supplementary to and not a limitation on the powers and duties of other peace officers in the state.

Renumbered and Amended by Chapter 234, 1993 General Session

53-8-107. Cooperation with other officers.

To secure information in order to achieve greater success in prevention and detection of crime and apprehension of criminals, the Highway Patrol shall cooperate and exchange information with:

- (1) any other departments of the state;
- (2) other law enforcement agencies, both within and outside this state; and
- (3) federal law enforcement agencies.

Renumbered and Amended by Chapter 234, 1993 General Session

53-8-201. Short title.

This part is known as the "Motor Vehicle Safety Inspection Act."

Enacted by Chapter 234, 1993 General Session

53-8-202. Definitions.

(1) The definitions in Section 41-6a-102 apply to this part.

(2) As used in this part, "council" means the Motor Vehicle Safety Inspection Advisory Council created in Section 53-8-203.

Amended by Chapter 2, 2005 General Session

53-8-203. Council created -- Members -- Term -- Meetings -- Duties.

(1) There is created within the division the Motor Vehicle Safety Inspection Advisory Council.

(2) (a) The council shall be composed of seven members.

- (b) The governor shall appoint:
 - (i) one member from the general public with experience or interest in product safety or consumer advocacy;
 - (ii) two representatives from motor vehicle mechanics and motor vehicle repair business owners;
 - (iii) one member of the motoring public with no former or current affiliation with the motor vehicle sales, repair, or fuel industry or its regulation;
 - (iv) one peace officer with experience in motor vehicle law enforcement;
 - (v) one representative of the commercial trucking industry; and
 - (vi) one representative of the staff of the attorney general who shall serve without voting privileges.
- (3) Each member of the council shall:
 - (a) be selected on a nonpartisan basis;
 - (b) be appointed by the governor; and
 - (c) have been a legal resident of the state for at least one year immediately preceding the date of appointment.
- (4) (a) Except as required by Subsection (4)(b), as terms of current council members expire, the governor shall appoint each new member or reappointed member to a four-year term.
- (b) Notwithstanding the requirements of Subsection (4)(a), the governor shall, at the time of appointment or reappointment, adjust the length of terms to ensure that the terms of council members are staggered so that approximately half of the council is appointed every two years.
- (c) Members serve from the date of appointment until a replacement is appointed.
- (5) When a vacancy occurs in the membership for any reason, the replacement shall be appointed for the unexpired term.
- (6) The council shall elect its own chair and vice-chair at its first regular meeting each calendar year.
- (7) All meetings of the council shall be called by the superintendent of the highway patrol as needed.
- (8) Any three voting members constitute a quorum for the transaction of business that comes before the council.
- (9) A member may not receive compensation or benefits for the member's service, but may receive per diem and travel expenses in accordance with:
 - (a) Section 63A-3-106;
 - (b) Section 63A-3-107; and
 - (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and 63A-3-107.
- (10) The council shall:
 - (a) hear appeals of administrative actions regarding the suspension or revocation of safety inspection station permits and safety inspector certificates;
 - (b) advise the division on interpretation, adoption, and implementation of motor vehicle safety inspection standards; and
 - (c) advise the division on other motor vehicle safety inspection issues as requested by the superintendent.

(11) In conducting appeal hearings on the suspension or revocation of any safety inspection station permit or safety inspector certificate the council may:

- (a) compel the attendance of witnesses by subpoena;
- (b) require the production of any records or documents determined by it to be pertinent to the subject matter of the hearing; and
- (c) apply to the district court of the county where the hearing is held for an order citing any applicant or witness for contempt and for failure to attend, testify, or produce required documents.

Amended by Chapter 286, 2010 General Session

53-8-204. Division duties -- Official inspection stations -- Permits -- Fees -- Suspension or revocation -- Utah-based interstate commercial motor carriers.

- (1) The division shall:
 - (a) conduct examinations of every safety inspection station permit applicant and safety inspector certificate applicant to determine whether the applicant is properly equipped and qualified to make safety inspections;
 - (b) issue safety inspection station permits and safety inspector certificates to qualified applicants;
 - (c) establish application, renewal, and reapplication fees in accordance with Section 63J-1-504 for safety inspection station permits and safety inspector certificates;
 - (d) provide instructions and all necessary forms, including safety inspection certificates, to safety inspection stations for the inspection of motor vehicles and the issuance of the safety inspection certificates;
 - (e) investigate complaints regarding safety inspection stations and safety inspectors;
 - (f) compile and publish all applicable safety inspection laws, rules, instructions, and standards and distribute them to all safety inspection stations and provide updates to the compiled laws, rules, instructions, and standards as needed;
 - (g) establish a fee in accordance with Section 63J-1-504 to cover the cost of compiling and publishing the safety inspection laws, rules, instructions, and standards and any updates; and
 - (h) assist the council in conducting its meetings and hearings.
- (2) (a) Receipts from the fees established in accordance with Subsection (1)(g) are fixed collections to be used by the division for the expenses of the Utah Highway Patrol incurred under Subsection (1)(g).
- (b) Funds received in excess of the expenses under Subsection (1)(g) shall be deposited in the Transportation Fund.
- (3) The division may:
 - (a) before issuing a safety inspection permit, require an applicant, other than a fleet station or government station, to file a bond that will provide a guarantee that the applicant safety inspection station will make compensation for any damage to a motor vehicle during an inspection or adjustment due to negligence on the part of an applicant or the applicant's employees;
 - (b) establish procedures governing the issuance of safety inspection certificates to Utah-based interstate commercial motor carriers;

(c) suspend, revoke, or refuse renewal of any safety inspection station permit issued when the division finds that the safety inspection station is not:

- (i) properly equipped; or
- (ii) complying with rules made by the division; and

(d) suspend, revoke, or refuse renewal of any safety inspection station permit or safety inspector certificate issued when the station or inspector has violated any safety inspection law or rule.

(4) The division shall maintain a record of safety inspection station permits and safety inspector certificates issued, suspended, revoked, or refused renewal under Subsection (3)(c).

(5) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the division shall make rules:

(a) setting minimum standards covering the design, construction, condition, and operation of motor vehicle equipment for safely operating a motor vehicle on the highway;

(b) establishing motor vehicle safety inspection procedures to ensure a motor vehicle can be operated safely;

(c) establishing safety inspection station building, equipment, and personnel requirements necessary to qualify to perform safety inspections;

(d) establishing age, training, examination, and renewal requirements to qualify for a safety inspector certificate;

(e) establishing program guidelines for a school district that elects to implement a safety inspection apprenticeship program for high school students;

(f) establishing requirements:

(i) designed to protect consumers from unwanted or unneeded repairs or adjustments;

(ii) for maintaining safety inspection records;

(iii) for providing reports to the division; and

(iv) for maintaining and protecting safety inspection certificates;

(g) establishing procedures for a motor vehicle that fails a safety inspection;

(h) setting bonding amounts for safety inspection stations if bonds are required under Subsection (3)(a); and

(i) establishing procedures for a safety inspection station to follow if the station is going out of business.

(6) The rules of the division:

(a) shall conform as nearly as practical to federal motor vehicle safety standards including 49 C.F.R. Parts 393, 396, 396 Appendix G, and Federal Motor Vehicle Safety Standards 205; and

(b) may incorporate by reference, in whole or in part, the federal standards under Subsection (6)(a) and nationally recognized and readily available standards and codes on motor vehicle safety.

Amended by Chapter 356, 2012 General Session

53-8-205. Safety inspection required -- Frequency of safety inspection -- Safety inspection certificate required -- Out-of-state permits.

(1) (a) Except as provided in Subsection (1)(b), a person may not operate on a highway a motor vehicle required to be registered in this state unless the motor vehicle has passed a safety inspection if required in the current year.

(b) Subsection (1)(a) does not apply to:

- (i) a vehicle that is exempt from registration under Section 41-1a-205;
- (ii) an off-highway vehicle, unless the off-highway vehicle is being registered as a street-legal all-terrain vehicle in accordance with Section 41-6a-1509;
- (iii) a vintage vehicle as defined in Section 41-21-1;
- (iv) a commercial vehicle with a gross vehicle weight rating over 26,000 pounds that:

(A) is operating with an apportioned registration under Section 41-1a-301; and

(B) has a valid annual federal inspection that complies with the requirements of 49 C.F.R. Sec. 396.17; and

(v) a trailer, semitrailer, or trailering equipment attached to a commercial motor vehicle described in Subsection (1)(b)(iv) that has a valid annual federal inspection that complies with the requirements of 49 C.F.R. Sec. 396.17.

(2) Except as provided in Subsection (3), the frequency of the safety inspection shall be determined based on the age of the vehicle determined by model year and shall:

(a) be required each year for a vehicle that is 10 or more years old on January 1; or

(b) for each vehicle that is less than 10 years old on January 1, be required in the fourth year and the eighth year;

(c) be made by a safety inspector certified by the division at a safety inspection station authorized by the division;

(d) cover an inspection of the motor vehicle mechanism, brakes, and equipment to ensure proper adjustment and condition as required by department rules; and

(e) include an inspection for the display of license plates in accordance with Section 41-1a-404.

(3) (a) (i) A salvage vehicle as defined in Section 41-1a-1001 is required to pass a safety inspection when an application is made for initial registration as a salvage vehicle.

(ii) After initial registration as a salvage vehicle, the frequency of the safety inspection shall correspond with the model year, as provided in Subsection (2).

(b) Beginning on the date that the Motor Vehicle Division has implemented the Motor Vehicle Division's GenTax system, a commercial vehicle as defined in Section 41-1a-102 with a gross vehicle weight rating of 10,001 pounds or more is required to pass a safety inspection annually or comply with Subsection (1)(b)(iv)(B).

(4) (a) A safety inspection station shall issue two safety inspection certificates to the owner of:

(i) each motor vehicle that passes a safety inspection under this section; and

(ii) a street-legal all-terrain vehicle that meets all the equipment requirements in Section 41-6a-1509.

(b) A safety inspection station shall use one safety inspection certificate issued under this Subsection (4) for processing the vehicle registration.

(c) A person operating a motor vehicle shall have in the person's immediate

possession a safety inspection certificate or other evidence of compliance with the requirement to obtain a safety inspection under this section.

(5) The division may:

(a) authorize the acceptance in this state of a safety inspection certificate issued in another state having a safety inspection law similar to this state; and

(b) extend the time within which a safety inspection certificate must be obtained by the resident owner of a vehicle that was not in this state during the time a safety inspection was required.

Amended by Chapter 453, 2013 General Session

53-8-206. Safety inspection -- Station requirements -- Permits not transferable -- Certificate of inspection -- Fees -- Unused certificates -- Suspension or revocation of permits.

(1) The safety inspection required under Section 53-8-205 may only be performed:

(a) by a person certified by the division as a safety inspector; and

(b) at a safety inspection station with a valid safety inspection station permit issued by the division.

(2) A safety inspection station permit may not be assigned or transferred or used at any location other than a designated location, and every safety inspection station permit shall be posted in a conspicuous place at the location designated.

(3) If required by the division, a record and report shall be made of every safety inspection and every safety inspection certificate issued.

(4) A safety inspection station holding a safety inspection station permit issued by the division may charge a reasonable fee for labor in performing safety inspections, not to exceed:

(a) \$7 or less for motorcycles and street-legal all-terrain vehicles;

(b) unless Subsection (4)(a) or (c) applies, \$15 or less for motor vehicles; or

(c) \$20 or less for 4-wheel drive, split axle, and any motor vehicles that necessitate disassembly of front hub or removal of rear axle for inspection.

(5) A safety inspection station may return unused safety inspection certificates in a quantity of 10 or more and shall be reimbursed by the division for the cost of the safety inspection certificates.

(6) (a) Upon receiving notice of the suspension or revocation of a safety inspection station permit, the safety inspection station permit holder shall immediately terminate all safety inspection activities and return all safety inspection certificates and the safety inspection station permit to the division.

(b) The division shall issue a receipt for all unused safety inspection certificates.

Amended by Chapter 356, 2012 General Session

53-8-207. Falsely representing to be official station or safety inspector.

(1) A person may not in any manner represent any place as a safety inspection station unless the station is operating under a valid permit issued by the division.

(2) A person may not issue a safety inspection certificate unless the person:

- (a) is a safety inspector certified by the division;
 - (b) is operating under a valid safety inspection station permit issued by the division; and
 - (c) performs the safety inspection on the motor vehicle in compliance with Section 53-8-205.
- (3) An unauthorized person may not knowingly possess safety inspection certificates.

Renumbered and Amended by Chapter 26, 1993 General Session
Renumbered and Amended by Chapter 234, 1993 General Session

53-8-208. Counterfeit certificates of inspection.

- (1) A person may not make, issue, or knowingly use any imitation or counterfeit of a safety inspection certificate.
- (2) A person may not present or cause or permit to be presented any safety inspection certificate knowing the certificate to be fictitious, issued for another motor vehicle, or issued without a safety inspection having been made and passed.

Renumbered and Amended by Chapter 26, 1993 General Session
Renumbered and Amended by Chapter 234, 1993 General Session

53-8-209. Inspection by officers -- Certificate of inspection.

- (1) A peace officer may stop, inspect, and test a vehicle at any time upon reasonable cause to believe that:
- (a) a vehicle is unsafe or not equipped as required by law; or
 - (b) that its equipment is not in proper adjustment or repair.
- (2) (a) (i) If a vehicle is found to be in unsafe condition or any required part or equipment is not present or is not in proper repair and adjustment, the officer shall give a written notice to the driver and shall send a copy to the division.
- (ii) The notice shall:
- (A) require that the vehicle be placed in safe condition and its equipment in proper repair and adjustment;
 - (B) specify the repairs and adjustments needed; and
 - (C) require that a safety inspection certificate be obtained within five days.
- (b) If a vehicle is, in the reasonable judgment of the peace officer, hazardous to operate, the peace officer may require that the vehicle:
- (i) not be operated under its own power; or
 - (ii) be driven to the nearest garage or other place of safety.
- (c) If the owner or driver does not comply with the notice requirements and secure a safety inspection certificate within five days, the vehicle may not be operated on the highways of this state.

Renumbered and Amended by Chapter 26, 1993 General Session
Renumbered and Amended by Chapter 234, 1993 General Session

53-8-210. Enforcement of inspection requirements.

(1) A person operating a vehicle shall submit the vehicle to a safety inspection when required to do so by a peace officer.

(2) (a) An owner or driver, upon receiving a notice as provided in Section 53-8-209, shall within five days secure a safety inspection certificate, which shall be issued in duplicate, one copy to be retained by the owner or driver and the other copy to be forwarded to the division.

(b) In lieu of compliance with this subsection, the vehicle may not be operated, except as provided in Subsection (3).

(3) (a) A person may not operate any vehicle after receiving a notice from a peace officer that the vehicle is in need of repair or adjustment, except that a peace officer may allow the vehicle to be driven to the residence or place of business of the owner or driver or to the nearest garage where repairs are available if driving the vehicle is not excessively dangerous.

(b) The vehicle may not be operated again on the highways until its equipment has been placed in proper repair and adjustment and otherwise conforms to the requirements of this part and Title 41, Chapter 6, Traffic Rules and Regulations, and a safety inspection certificate is obtained as promptly as possible.

(4) If repair or adjustment of any vehicle or its equipment is necessary, the owner of the vehicle may obtain repair or adjustment at any place he may choose.

Renumbered and Amended by Chapter 26, 1993 General Session

Renumbered and Amended by Chapter 234, 1993 General Session

53-8-211. Safety inspection of school buses and other vehicles.

(1) (a) The Highway Patrol shall:

(i) perform safety inspections at least twice each school year on all school buses operated by each school district and each private school in the state for the transportation of students, except as otherwise provided in Subsection (1)(b); and

(ii) cause to be removed from the public highways any vehicle found to have mechanical or other defects under Subsection (1)(a) endangering the safety of passengers and the public until the defects have been corrected.

(b) (i) A school district or private school may perform the safety inspections of a school bus that it operates in accordance with rules made by the division under Title 63G, Chapter 3, Utah Administrative Rule Making Act, and after consultation with the State Board of Education.

(ii) The rules under Subsection (1)(b)(i) shall include provisions for:

(A) maintaining school bus drivers' hours of service records;

(B) requiring school bus drivers to maintain vehicle condition reports;

(C) maintaining school bus maintenance and repair records; and

(D) validating that defects discovered during the inspection process have been corrected prior to returning a school bus to service.

(iii) (A) The division shall audit school bus safety operations of each school district and private school performing inspections under Subsection (1)(b)(i) to ensure compliance with the rules made under that subsection.

(B) The audit may include both a formal examination of the district's or school's inspection records and a random physical inspection of buses that have been safety

inspected by the district or the school.

(iv) A school district or school must have a comprehensive school bus maintenance plan approved by the division in order to participate in the safety inspection program.

(v) A school district or private school may not operate any vehicle found to have mechanical or other defects that would endanger the safety of passengers and the public until the defects have been corrected.

(2) Motor vehicles operated by private schools or school districts, and not used for the transportation of students, are subject to Section 53-8-205.

Amended by Chapter 382, 2008 General Session

53-8-211.5. School bus safety standards -- Exceptions.

(1) Beginning July 1, 2003, a school district or private school may not use a vehicle with a seating capacity of 11 or more, including the driver, for the transportation of its students unless the vehicle meets federal school bus safety standards under 49 U.S.C. Sec. 30101, et seq.

(2) Subsection (1) does not apply to a vehicle operated by a common carrier, as defined in Section 59-12-102, if the common carrier is not exclusively engaged in the transportation of students.

Enacted by Chapter 154, 2001 General Session

53-8-212. Suspension of registration.

The State Tax Commission shall suspend the registration of any vehicle the division determines is in an unsafe condition or which after notice and demand is not equipped as required in this part and Title 41, Motor Vehicles.

Renumbered and Amended by Chapter 234, 1993 General Session

53-8-213. Special function officer status for certain employees -- Retirement provisions.

(1) The commissioner may designate an employee of the Utah Highway Patrol Division as a special function officer, as defined in Section 53-13-105, for the purpose of enforcing all laws relating to vehicle parts and equipment, including the provisions of this part and Title 41, Chapter 6a, Part 16, Vehicle Equipment.

(2) Notwithstanding Section 49-15-201, a special function officer designated under this section may not become or be designated as a member of the Public Safety Retirement Systems.

Amended by Chapter 2, 2005 General Session

53-8-301. Title.

This part is known as the "Aero Bureau Act."

Enacted by Chapter 71, 2012 General Session

53-8-302. Definitions.

As used in this section, "Aero Bureau" means the bureau within the division that provides aerial assistance for law enforcement activities within the state.

Enacted by Chapter 71, 2012 General Session

53-8-303. Utah Highway Patrol Aero Bureau Restricted Account.

(1) As used in this section, "account" means the Utah Highway Patrol Aero Bureau Restricted Account created by this section.

(2) There is created a restricted account in the General Fund known as the "Utah Highway Patrol Aero Bureau Restricted Account."

(3) The account shall consist of:

(a) money deposited into the account in accordance with Section 41-22-19;

(b) money appropriated to the account by the Legislature; and

(c) any other public or private money received by the division that is:

(i) given to the division for purposes consistent with this section; and

(ii) deposited into the account at the request of:

(A) the division; or

(B) the person giving the money.

(4) Money in the account may only be expended for:

(a) the purchase of aircraft and helicopters for use by the Aero Bureau in search and rescue operations;

(b) replacement, maintenance, and upgrade of search and rescue equipment;

(c) search and rescue training and certification for division officers and employees;

(d) personnel and fuel costs of the Aero Bureau associated with providing search and rescue services; and

(e) any other equipment or expenses necessary or appropriate for conducting search and rescue activities.

Enacted by Chapter 71, 2012 General Session